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## **Air Pollution Regulations in State Implementation Plans: Arkansas**

**Abcor Inc, Wilmington, MA Walden Div**

**Prepared for**

**Environmental Protection Agency, Research Triangle Park, NC**

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United States  
Environmental Protection  
Agency

Office of Air Quality  
Planning and Standards  
Research Triangle Park NC 27711

EPA-450/3-78-053  
August 1978

Air



# Air Pollution Regulations in State Implementation Plans: Arkansas

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EPA-450/3-78-053

# **Air Pollution Regulations in State Implementation Plans:**

## **Arkansas**

by

Walden Division of Abcor, Inc.  
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY  
Office of Air, Noise, and Radiation  
Office of Air Quality Planning and Standards  
Research Triangle Park, North Carolina 27711

August 1978

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| TECHNICAL REPORT DATA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                                            |
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| 16. ABSTRACT<br>This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the <u>Federal Register</u> and the Federally promulgated regulations for the State, as indicated in the <u>Federal Register</u> . Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations. |                                                  |                                            |
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Publication No. EPA-450/3-78-053

## INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET  
OF  
EPA-APPROVED REGULATION CHANGES  
  
ARKANSAS

| <u>Submittal Date</u> | <u>Approval Date</u> | <u>Description</u>                              |
|-----------------------|----------------------|-------------------------------------------------|
| 6/27/75               | 10/5/76              | Revised Regulations<br>1 - 10 except Delegation |

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| <u>Section Number</u> | <u>Description</u>                                     |
|-----------------------|--------------------------------------------------------|
| 52.177                | Indirect Source Regulation for New or Modified Sources |
| 52.178                | Public Availability of Emission Data Regulation        |
| 52.181                | Prevention of Significant Deterioration Regulation     |

DOCUMENTATION OF CURRENT EPA-APPROVED  
STATE AIR POLLUTION REGULATIONS

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- 2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES
- 3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS
- 4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)
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- 9.0 AIR QUALITY SURVEILLANCE AND SOURCE TESTING
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- 50.2 SULFUR COMPOUNDS
- 50.3 NITRIC OXIDES
- 50.4 HYDROCARBONS
- 50.5 CARBON MONOXIDE
- 50.6 ODOROUS POLLUTANTS
- 50.7 OTHERS (Pb, Hg, etc.)
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REGULATIONS OF  
THE ARKANSAS PLAN OF IMPLEMENTATION  
FOR AIR POLLUTION CONTROL  
AS AMENDED JUNE 27, 1975  
(420.11-2)

(2.0) SECTION 1. TITLE

The following rules and regulations of the Department of Pollution Control and Ecology of the State of Arkansas, adopted in accordance with the provisions of Part II of the Arkansas Water and Air Pollution Control Act, hereinafter referred to as the "Act" (Ark. Stats. Ann. § 82-1901, et seq.), shall be known as the Regulations of the Arkansas Plan of Implementation for Air Pollution Control, hereinafter referred to respectively as the "Regulations of the Plan" and "the Plan".

(2.0) SECTION 2. PURPOSE

Promulgation and enforcement of these Regulations of the Plan is intended to meet the requirements of the Clean Air Act (42 USCA § 1857, et seq.), as interpreted by the United States Environmental Protection Agency, including but not limited to attainment and maintenance of the National Ambient Air Quality Standards.

(1.0) SECTION 3. DEFINITIONS

When used in these Regulations of the Plan:

- (a) "Arkansas Air Pollution Control Code" means rules and regulations adopted by the Department of Pollution Control and Ecology of the State of Arkansas, as amended from time to time, pursuant to and in furtherance of the Act. Provisions of the Arkansas Air Pollution Control Code shall not be considered a part of the Plan except for those provisions specifically described in the Plan.
- (b) "Commission" means the Commission of Pollution Control and Ecology of the State of Arkansas.
- (c) "Department" means the Department of Pollution Control and Ecology of the State of Arkansas. When reference is made in these Regulations to actions taken by or with reference to the Department, the reference is to the staff of the Department acting at the direction of the Commission.
- (d) "Director" means the director of the Department of Pollution Control and Ecology, acting directly or through the staff of the Department.
- (e) "Equipment" means any device, except equipment used for any mode of transportation, capable of causing the emission of an air contaminant into the open air, and any stack, conduit, flue, duct, vent or similar device connected or attached to, or serving the equipment.

- (f) "Equipment used in a manufacturing process" means equipment, the primary object of which is the treatment and/or conversion of input materials to produce a salable or usable end product.
- (g) "Flue" or "stack" means any conduit or duct arranged to conduct an effluent to the open air.
- (h) "Incinerator" means all devices by which garbage, refuse, or other combustible material is reduced in volume by a combustion process in which the fuel/air ratio is or can be controlled so that the remaining solid residues contain little or no combustible material.
- (i) "Opacity" means the state of a substance which renders it partially or wholly impervious to rays of light so that the substance partially or wholly obscures an observer's view.
- (j) "Potential Emission Rate" means the total weight rate at which particulate matter is, or in the absence of an air cleaning device, would be, emitted from an air contamination source when such source is operated at its maximum rated capacity. The potential emission rate may be determined by sampling in a flue, prior to the inlet of the air cleaning device, or by estimating the weight rate of emissions by performing a "material balance" (difference between process input weight and output weight) for the process or operation, or by estimating the weight rate of emissions using estimating techniques approved by the Commission. When a number of air contamination sources (each of which is capable of being operated individually) are manifolded together so that their emissions are discharged to a single flue, the potential emission rate and allowable emission rate for each source shall be determined individually.
- (k) "Smoke" means finely divided particulate matter resulting from incomplete combustion, consisting primarily of carbon and other combustible material.
- (l) "Standard Smoke Chart" means the Ringelmann Chart, as published by the U. S. Bureau of Mines in Information Circular 8333, dated May, 1967, photographically reduced to 1/18th in size for use in the field, or any other method or device for grading smoke judged by the Department to be equivalent to the Ringelmann Chart.
- (m) "Standard conditions" means at a temperature of 20° Centigrade and a pressure of 760 millimeters of mercury.
- (n) "Existing equipment" means equipment which was placed in operation prior to September 1, 1975 or for which a permit has been issued by the Department prior to September 1, 1975.
- (o) "New equipment" means all equipment other than existing equipment as defined herein.
- (p) "Construction" means fabrication, erection or installation of equipment.

- (q) "Modification" means any physical change in, or change in the method of operation of, a stationary source which increased the emission rate of any pollutant for which a national standard has been promulgated by Environmental Protection Agency or which results in the emission of any such pollutant not previously emitted, except that:
- (i) Routine maintenance, repair, and replacement shall not be considered a physical change, and
  - (ii) The following shall not be considered a change in the method of operation.
    - (A) An increase in the production rate, if such increase does not exceed the operating design capacity of the source;
    - (B) An increase in the hours of operation;
    - (C) Use of an alternative fuel or raw material, if prior to the effective date of a section of these regulations which imposed conditions or limits modifications, the source is designed to accommodate such alternative use.

Unless manifestly inconsistent therewith, other words and phrases used in these regulations shall have the same meaning as used in the Act.

(3.0) SECTION 4. PERMITS

- (a) After June 30, 1975 no person shall cause or permit the construction or modification of equipment without first obtaining a permit from this Department pursuant to the provisions of this Section. (However, applications submitted to the Department prior to June 30, 1975 may instead be approved by the Department prior to September 1, 1975 pursuant to the provisions of the Arkansas Air Pollution Control Code provided the permitted emissions do not exceed the limitations provided herein.) Application for permit shall be made on such forms and shall contain such information as the Department may reasonably require. Upon notice, the Director may revoke a permit if he finds that the applicant has failed to comply fully with the terms thereof. Revocations hereunder may be appealed to the Commission.
- (b) No permit shall be granted under the Regulations of the Plan unless the applicant shows to the reasonable satisfaction of the Director that the equipment is designed and will be installed or modified to operate without causing a violation of the provisions of the Regulations of the Plan, without causing the National Ambient Air Quality Standards to be exceeded, and within all regulations governing emissions adopted by the United States Environmental Protection Agency pursuant to provisions of the Clean Air Act.

- (c) Within 90 days of receipt by the Department of a permit application which contains all such information as required by the Department (unless said period is extended due to the provisions of Subsection (d) below), the Department shall notify the applicant in writing of its approval or disapproval of said application. If an application is disapproved, the Department shall set forth its objections in the notice of disapproval. Within 60 days after service on the applicant of notice of disapproval, exclusive of the day of service, the applicant may request the Department to reconsider the application by answering in writing the Department's objections to the application. The Department shall consider the applicant's answer to its objections, and shall notify the applicant within 90 days of its approval or denial of the application. Failure to answer or request an extension of the notice of disapproval shall be deemed a denial of the application. A hearing before the Commission may be had on the denial, revocation or modification of a permit, as provided in the Act.
- (d) No permit application shall be finally approved or disapproved under the provisions of the Regulations of the Plan unless the public has first had opportunity to comment on the Department's tentative approval or disapproval of the application. For purposes of this subsection, opportunity for public comment shall mean the following:
- (i) Availability for public inspection in at least one location in the region in which the installation, construction or modification is proposed to take place and in the Department's central offices of the information submitted by the owner or operator and the Department's analysis of the effect of the proposed emissions on air quality.
  - (ii) A 30-day period for submittal of public comment.
  - (iii) A notice by prominent advertisement in the region in which the installation, construction or modification is proposed to take place. Such notice shall, as a minimum, describe the locations at which the application and the Department's analysis may be inspected and the procedure for submitting public comment.
  - (iv) A copy of the notice required pursuant to this subsection shall be sent to the applicant and to the following agencies and officials:
    - (A) The Regional Administrator of the United States Environmental Protection Agency.
    - (B) The Arkansas Department of Local Services.
    - (C) The Mayor of the community in which the equipment is proposed in which to be constructed or modified.

- (D) The County Judge of the county in which the equipment is proposed to be constructed or modified.
  - (E) Air pollution control agencies of adjoining states if the region in which the source is to be located is an interstate air quality control region.
- (v) Public comments submitted in accordance with procedures in the public notice described in Subsection (iii) above shall be considered by the Department prior to making its final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit to the Department a written response to any comments submitted by the public. The Department shall consider the applicant's response in making its final approval or disapproval.
  - (vi) The Department shall take final action on an application within 60 days after the close of the public comment period. The Department shall notify in writing the applicant of the Department's final actions and the Department's reasons for its final actions. Such notification shall be made available for public inspection in at least one location in the region in which the source is located. Such notification shall remain available for public inspection for at least 10 days. Thereafter, the notice may be inspected at the Department's central office in Little Rock.
  - (vii) The Department may extend each of the time periods specified in this subsection as agreed to by the applicant and the Director.
- (e) When equipment relates to and is part of a secret process or method of manufacture or production, only such part of the permit application as relates to the direct emission of air contaminants to the open air shall be required to be filed with the Department. In order to comply with this subsection, an affidavit signed by an authorized person must be filed with the permit application containing the following information:
    - (i) Location of process or equipment, specifying the building and the section or part of the building in which it is located;
    - (ii) In general terms, the name and nature of the process equipment;
    - (iii) Means to be employed for the control of air contaminant emissions;
    - (iv) Nature and estimated rate of discharge of air contaminants to the open air;

- (v) Dimensions, height, and location of stacks discharging air contaminants to the open air;
- (vi) Authority of the person signing the affidavit; and
- (vii) A statement that the installation relates to a secret process or method of manufacture or production.

Any information relating to secret processes, methods of manufacture or production which may be required, ascertained or discovered by the Department shall not be disclosed by any Department employee or agent and shall be kept confidential. Affidavits shall be filed with the Commission and shall be accompanied by an application for permit containing all relevant information covering that part of the installation, process or equipment directly emitting air contaminants to the open air and containing all other relevant information except disclosure of the secret process or method of manufacture or production. However, any information relating to the emission of air contaminants, analysis of air quality impact and sampling or monitoring information obtained pursuant to Section 7 shall be available for public inspection.

- (f) A permit shall not be required for the installation, alteration, or operation of an air contaminant detector, air contaminant recorder, combustion controller or combustion shutoff, or for any of the following equipment:
  - (i) Cooling and ventilating equipment - cold storage refrigeration equipment; comfort air conditioning or comfort ventilating systems not designed to remove air contaminants generated by or released from specific units or equipment; natural draft hoods or natural draft ventilation; and water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.
  - (ii) Cleaning, washing, and drying equipment - vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes; equipment used for portable steam cleaning; blast cleaning equipment using a suspension of abrasive water and any exhaust system or collector serving them exclusively; equipment used for washing or drying products fabricated from metal or glass, if no volatile organic materials are used in the process and no oil or solid fuel is burned; and laundry dryers, extractors or tumblers for fabric cleaned with only water solutions of bleach or detergents.
  - (iii) Furnaces, ovens and heaters - natural gas-fired or liquefied petroleum gas-fired or electrically heated furnaces for heat-treating glass or metals, the use of which does not involve molten materials; kilns for firing ceramic ware,

heated exclusively by natural gas or liquefied petroleum gas or any exhaust system or collector serving them exclusively; blacksmith forges; crucible furnaces; pot furnaces or induction furnaces with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted, nor any fluxing conducted utilizing free chlorine, chloride and fluoride derivatives and ammonium compounds; on-lease oil and gas heaters or heater treaters; gas fuel and No. 1 and No. 2 fuel-oil burning equipment used for space heating, service water heating and electric power generation (less than 60,000 lbs./hr. steam capacity); fuel-burning, refuse-burning and cooking equipment used in connection with a structure designed and used exclusively as a dwelling for not more than four families; and bakery ovens and confection cookers where the products are edible and intended for human consumption, and any exhaust system or collector serving them exclusively.

- (iv) Testing and inspection equipment - laboratory equipment used exclusively for chemical or physical analysis or experimentation; equipment used for hydraulic or hydrostatic testing; and equipment for inspection of metal products.
- (v) Containers - dipping operations for coating objects with oils, waxes or greases, or natural or synthetic resins containing no organic solvents, electrolytic plating with, electrolytic polishing of, or stripping of the following metals; brass, bronze, cadmium, copper, iron, lead, nickel, tin, zinc, and precious metals, storage of butane, propane and liquefied petroleum gas, and storage of lubricating oils.
- (vi) Miscellaneous - maintenance, structural changes or repair not involving any change in the quality, nature, or quantity of the emission of air contaminants therefrom, portable asphalt mix plants, equipment used for any mode of transportation, internal combustion engines, vacuum pump in laboratory or pilot plant operations, unheated solvent dispensing containers or unheated solvent rinsing containers of 60 gallons capacity or less, portable brazing, soldering or welding equipment, grain, metal or mineral extrusion presses.
- (vii) The following equipment and an exhaust system or collector serving it exclusively - drop hammers or hydraulic presses for forging or metal working, die casting machines, equipment for surface preparation of metals by use of aqueous solutions, except for acid solutions, atmosphere generators used in connection with metal heat treating processes, equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering

metal bearing ores, metal scale, clay, fly ash or metal compounds, photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

- (viii) To existing portable asphalt concrete plants which relocate after June 30, 1975 provided that upon relocation the emissions therefrom comply with the limitations of Subsection 8(f)(iv)(B).
- (ix) To such other equipment as the Commission may specifically exempt from the requirements of this section, provided that, upon receipt of preliminary application, the Department determines that:
  - (A) The emissions from the equipment proposed within the application in conjunction with the emissions from existing equipment, if any, on the site on which the proposed new or modified equipment is to be located do not exceed 100 tons/year potential emissions of particulate matter; and
  - (B) The location and configuration of the proposed equipment is such that the emissions as proposed do not prevent the attainment or maintenance of the secondary standard for particulate matter or the air quality increments provided by the Regulations for the Prevention of Significant Deterioration as promulgated by the United States Environmental Protection Agency.

The applicant shall submit such information as the Department may reasonably require to make the determinations described in Subsections (A) and (B) hereof. Copies of the application, supplemental information and the Commission's determination shall be made a part of the permanent record of the applicant and shall be available for public inspection at the Department's central office. The exemption from the requirement of a permit granted by this subsection (ix) is wholly conditioned on continuing compliance with the terms of the exemption, as granted, and as set forth in paragraphs (A) and (B) hereof. The Director may cancel an exemption granted hereunder for failure to comply with the terms thereof. Operation of a source subject to Section 4 hereof without an exemption having been granted, even within the limits imposed by (A) and (B), and violation of the limits set forth in (A) and (B), even by a source which has been granted an exemption, shall constitute violations of these regulations. Any person granted an exemption hereunder shall, nonetheless, be subject to the requirements of Section 7 hereof.

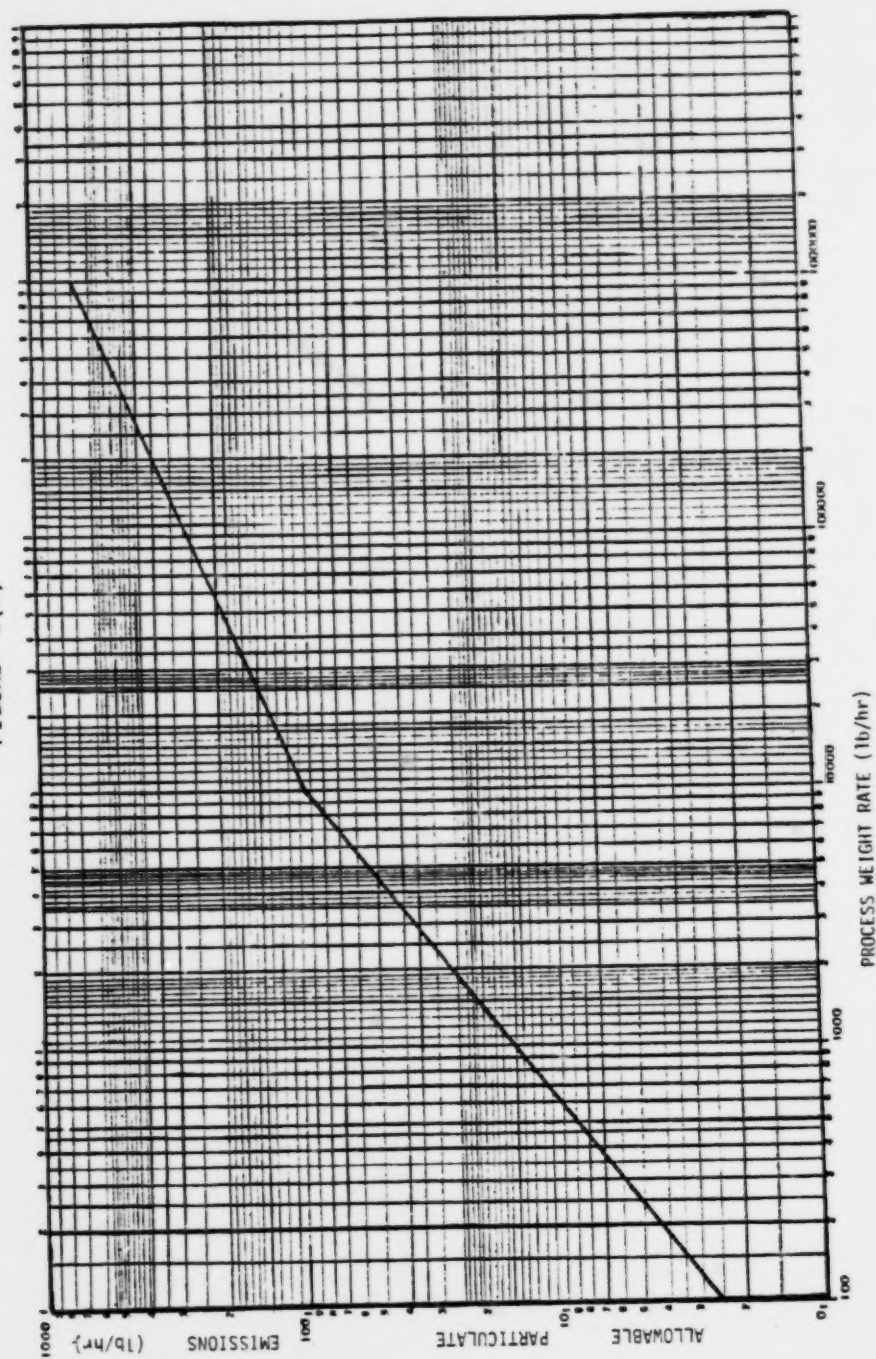
- (g) The provisions of Subsection (f) shall not apply to equipment affected by regulations promulgated by the United States Environmental Protection Agency.

- (h) Issuance of a permit by this Department does not relieve the applicant of any responsibility to meet all other requirements of these regulations.
- (i) Upon completion of the installation, alteration, or replacement of equipment for which a permit is required, and within 30 days after the equipment has been placed in operation, the Director shall be notified in writing. The Director may require the permittee to conduct such tests as are necessary to determine whether the equipment complies with the provisions of the permit, or the Director may cause such tests to be made by agents of the Department. Noncomplying equipment shall be promptly corrected by the permittee.
- (j) The Director may cancel a permit if the installation or alteration is not begun within 18 months from the date of the permit or if the work involved in the installation or alteration is suspended for 18 months or more from the date of issuance of the permit.

(10.0) SECTION 5. EMISSION LIMITATIONS APPLICABLE TO NEW OR MODIFIED EQUIPMENT

- (a) No person shall cause or permit the construction or modification of equipment which would cause or allow applicable emission limitations promulgated by the United States Environmental Protection Agency to be exceeded.
- (b) No person shall cause or permit the construction or modification of equipment which would cause or allow emissions to exceed the allowable emission rate as shown on Figure 5(b) of this section. For purposes of this subsection, process weight rate means the total weight of all materials introduced over one hour into any specific piece of equipment directly served by one or more flues or stacks and where the concentration of emissions from such flues or stacks are directly related to the materials introduced to the equipment. It is intended that the above described emission limitations would be applicable to any individual piece of equipment, whether in series or parallel to other pieces of equipment used in the manufacturing process. Solid fuels charged are considered as part of the process weight but liquid and gaseous fuels and combustion air are not. For a cyclical or batch operation, the process weight rate per hour is derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

FIGURE 5(b)



- (c) No person shall cause or permit the visible emissions from equipment affected by this section to exceed the visible emission limitations as provided in Subsection 8(e) of these Regulations.
- (d) Equipment affected by emission regulations promulgated by the United States Environmental Protection Agency shall not be affected by the emission regulations of Subsection (b) of Section 5, but shall, instead, be governed by said regulations of the United States Environmental Protection Agency.
- (e) The emission limitations of this section may be made more restrictive as such limitations apply to individual pieces of equipment or to areas of the state where the Department finds such more restrictive limitations necessary to prevent the National Ambient Air Quality Standards or air quality increments, as defined by the United States Environmental Protection Agency's Regulations for the Prevention of Significant Air Quality Deterioration, from being exceeded.

(7.0) SECTION 6. UPSET CONDITIONS, REVISED EMISSION LIMITATIONS

- (a) Emissions exceeding any of the limits established by the Regulations of the Plan as a direct result of unavoidable upset conditions in the nature of the process, or unavoidable and unforeseeable breakdown of any air pollution control equipment or related operating equipment or as a direct result of shutdown or startup of such equipment for necessary scheduled maintenance, shall not be deemed in violation of these Regulations of the Plan, provided the following requirements are met:
  - (i) Such occurrence, in the case of unavoidable upset in or breakdown of equipment, shall have been reported to the Director within 24 hours after the occurrence.
  - (ii) The person responsible for such emission shall submit to the Director, at his request, a full report of such occurrence, including a statement of all known causes and of the scheduling and nature of the actions to be taken to minimize or eliminate future occurrences, including but not being limited to action to reduce the frequency of occurrence of such conditions, to minimize the amount by which said limits are exceeded and to reduce the length of time for which said limits are exceeded.
  - (iii) In the case of shutdown for necessary scheduled maintenance, the intent to shutdown shall be reported to the Director at least 24 hours prior to the shutdown; provided, however, that the exception provided by this subsection shall only apply in those cases where maximum reasonable effort has been made to accomplish such maintenance during periods of non-operation of any related source operation or where it would be unreasonable or impossible to shut down the source operation during the maintenance period.

- (b) The emission limitations contained within the Regulations of the Plan are for the purpose of assuring the attainment and maintenance of the National Ambient Air Quality Standards and have been established within the framework of information presently available to the Department. As additional and more precise information becomes available, the emission limitations and reporting procedures of this section may be amended as described below:
- (i) In accordance with the provisions of the Clean Air Act, as amended, and the federal regulations promulgated pursuant to the Clean Air Act, the emission limitations and reporting procedures of this section may be further amended and made more restrictive where the Commission finds more restrictive measures necessary to assure the attainment and maintenance of the National Ambient Air Quality Standards. Depending upon the nature of the Commission's finding, the Commission may recommend to the administrator of the Environmental Protection Agency that more restrictive emission limitations be placed on those sources described in Sections 5 and 8 hereof or that additional sources be placed under the requirements of this Plan by including such additional sources and the associated emission limitations within Section 8 hereof.
  - (ii) In accordance with the provisions cited in Subsection (i) of this Subsection 6(b), the Commission may recommend to the Administrator of the Environmental Protection Agency, on a case by case basis, less restrictive requirements than those provided in the Regulations of the Plan upon its findings that the emission limitations as set forth are physically, economically or technologically unattainable and that full compliance with the aforesaid limitations is not necessary to assure attainment or maintenance of the National Ambient Air Quality Standards. Such findings shall be made upon the basis of information generally available to the Commission and the information contained within the petition for less stringent limitations, which petition may be filed with the Commission by the owner or operator of a source affected by Sections 5 and 8 and which petition shall contain such information and which petition shall be filed as soon as the owner or operator of the source determines that full compliance cannot be achieved or that full compliance is unnecessary for purposes of attainment of the National Ambient Air Quality Standards.
  - (iii) In making determinations with respect to the provisions of Subsection (b) hereof, the Commission shall take into consideration the following factors:
    - (A) The process, fuels, and raw material available and to be employed in the facility involved.

- (B) The engineering aspects of the application of various types of control techniques which have been adequately demonstrated.
- (C) Process and fuel changes.
- (D) The respective costs of the application of all such control techniques, process changes, alternative fuels, etc.
- (E) Locational and siting considerations.
- (iv) In no case shall the Commission recommend, approve or con-done less stringent emission limitations than those set forth in these Regulations where less stringent limitations would prevent the attainment of the National Ambient Air Quality Standards or would cause applicable air quality increments, as provided in Subpart A, Part 52, Chapter I, Title 40, Code of Federal Regulations, to be exceeded.

(9.0) SECTION 7. SAMPLING AND MONITORING REQUIREMENTS

(a) Sampling

- (i) Any person owning or operating equipment shall, upon request, by the Director, conduct sampling to determine the opacity, rate, composition, and/or concentration of such emissions. Sampling shall be conducted at a frequency and within a period of time as specified by the Director. The sampling method shall be specified by the Director and, further, the sampling shall be conducted so as to reflect with reasonable accuracy characteristics of such emissions. Any person affected by this regulation may request the Director to approve alternate sampling techniques or other means to determine the opacity, rate, composition, and/or concentration of emissions. The Director may approve such alternate methods or means if it can be demonstrated that such alternatives will be substantially equivalent to the sampling methods specified by the Director or the Commission.
- (ii) Copies of all data, computations and results obtained under this regulation shall be retained by the owner or operator of a source for at least five (5) years and shall be made available to the Commission or any members, employees or agents thereof, during regular business hours.

(b) Sampling Ports

- (i) Any person owning or operating equipment shall, upon request of the Director, provide, in connection with each flue, a power source near the point of testing in addition to such sampling and testing facilities and sampling ports, including safe and easy access thereto, exclusive of instruments

and sensing devices, as may be necessary for the Department to determine the nature and quality of emissions which are or may be discharged as a result of operations of the equipment served by the flue.

Evidence and data based on these samples and calculations may be used to substantiate violations of the Act or the Regulations of the Plan. Agents of the Department shall be permitted to sample the stacks during operating hours.

(c) Filing of Emissions Data

- (i) Upon request by the Director, any person affected by any Regulation of the Plan or by the Arkansas Air Pollution Control Code shall file emissions data with the Department on forms supplied by the Department.

(d) Sampling Procedures and Terminology

- (i) Where not otherwise specified in Regulations of the Plan, and orders of the Commission, the procedures used for sampling air and measuring air contaminants, and the methods of expressing the findings shall be those commonly accepted and used in the field of air pollution control.

(e) Continuous Monitoring

- (i) The Director may require the owner or operator of any air contaminant source to install, use, and maintain such monitoring equipment; sample such emissions in accordance with methods as the Director shall prescribe; establish and maintain such records; and make such periodic emission reports as required below.

(f) Reporting General Process Information

- (i) The owner or operator of any equipment shall, upon request of the Director, supply such information, as the Director may reasonably require and as may be necessary, to determine the impact that the operation of such equipment has, or will have, on air quality levels. Such information shall be made on forms made available by the Department or in a format prescribed by the Director.

(g) Reporting Emission Data

- (i) The owner or operator of any equipment shall, upon notification by the Director, maintain records of the nature and amount of emissions, to which an air quality control emission regulation applies, from the source and any other information (in addition to that data required above) as may be deemed necessary by the Director to determine whether the source is in compliance with applicable regulations.

- (ii) The information recorded shall be summarized and reported to the Director, on forms furnished by the Director, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are June 1 through November 30 and December 1 through May 31 or such other periods as the Director may specify. Information reported to the Director shall be signed by the person responsible for its accuracy.
- (iii) Emission data obtained by the Director shall be correlated with applicable emission limitations and other control measures and be made available to the public during normal business hours.

(6.0) SECTION 8. COMPLIANCE SCHEDULES AND EMISSION LIMITATIONS APPLICABLE TO  
(51.0) EXISTING EQUIPMENT

- (a) The provisions of this section shall be in full effect June 30, 1975, and are applicable only to existing equipment specifically identified in this section.
- (b) No person shall cause or permit the emissions of particulate matter from the equipment identified hereinunder to exceed the limitations of this section and no person shall cause or permit the modification of said equipment without first having obtained a permit from the Department in accordance with the provisions of Section 4 of these regulations.
- (c) Owners or operators of equipment identified hereinunder shall supply upon request of the Director such information as may be required under the provisions of Section 7 of these regulations, information regarding preventive maintenance, and information regarding other maintenance, structural changes or repairs which do not otherwise require issuance of permit by the Department.
- (d) No person shall cause or permit visible emissions (other than uncombined water vapor) from equipment identified hereinunder and which was installed and in operation, or for which a permit had been issued by the Department prior to January 30, 1972 to exceed the following limitations:
  - (i) Emissions shall not exceed a density equal to or darker than No. 2 on the Standard Smoke Chart, or an opacity which obscures vision to a degree equal to or greater than No. 2 will be allowed for not more than five minutes in the aggregate in any consecutive 60 minute period, provided such emissions will not be permitted more than three times during any 24 hour period.

- (e) No person shall cause or permit visible emissions (other than uncombined water vapor) from new equipment or equipment identified hereinunder which was installed or permitted by the Department after January 30, 1972 to exceed the following limitations or to exceed any applicable visible emission limitations of the New Source Performance Standards promulgated by the United States Environmental Protection Agency:
  - (i) For incinerators and fuel burning equipment, exclusively, emissions shall not exceed a density equal to or darker than No. 1 on the Standard Smoke Chart, or an opacity which obscures vision to a degree equal to or greater than smoke No. 1 density, except emissions of a density or opacity greater than No. 1, but not exceeding No. 3, will be allowed for not more than five minutes in the aggregate in any consecutive 60 minute period, provided such emissions will not be permitted more than three times during any 24 hour period.
  - (ii) For equipment used in a manufacturing process, emissions shall not exceed a density equal to or darker than No. 1 on the Standard Smoke Chart or an opacity that obscures vision to a degree equal to or greater than smoke of No. 1 density.
- (f) No person shall cause or permit the operation of the equipment described below to be operated in a manner which would exceed or violate the standards set forth hereinafter.
  - (i) The effective date of the following emission limitations is June 1, 1975 or as the new sources included herein, go into operation.

## SECTION 8 (Cont.)

REGION 16

| <u>CSN</u> | <u>Name</u>                     | <u>Process Equipment</u>                                                                                                                                                                                                                                       | <u>PCD</u>                                                                                                                                          | <u>Allowable<br/>Emission<br/>(lb/hr)</u>                            |
|------------|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| 150001     | Arkansas Kraft<br>at Morrilton  | 1. Recovery Boiler<br>2. Smelt Tank<br>3. Lime Kiln<br>4. No. 1 Bark Boiler<br>5. No. 2 Boiler<br>6. Power Boiler                                                                                                                                              | ESP<br>Mist E.<br>Scrubber<br>Cyclone<br>Cyclone                                                                                                    | 425<br>25<br>110<br>150<br>135<br>39                                 |
| 260002     | Union Carbide<br>at Hot Springs | 1. Ore Dryer<br>2. Coarse Ore<br>3. Dry Grind<br>4. Fine Ore - East<br>5. Fine Ore - West<br>6. Intermediate Ore<br>7. PREHEATER Feed<br>8. Salt Pulverizer<br>9. Roaster Off-gas*<br>10. Kiln Cooler<br>11. MVO Product<br>12. Limestone<br>13. Hydrated Lime | Scrubber<br>F. Filter<br>Scrubber<br>F. Filter<br>F. Filter<br>Scrubber<br>Scrubber<br>Scrubbers<br>Scrubbers<br>Scrubber<br>F. Filter<br>F. Filter | 75<br>15<br>30<br>5<br>5<br>5<br>5<br>5<br>250<br>15<br>10<br>3<br>3 |

\* Equipped with a standby scrubber for use 10% of time when main scrubber is being repaired.  
 Maximum allowable emission rate is same for situations.

| <u>CSN</u> | <u>Name</u>                       | <u>Process Equipment</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>PCD</u>                                                                                                                               | <u>Allowable Emission (lb/hr)</u>                                                                                       |
|------------|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| 300008     | Acme Brick at Malvern             | 1. Rotary Kilns                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Scrubber                                                                                                                                 | 80                                                                                                                      |
| 300009     | Baroid National Lead at Malvern   | 1. Roasting Kiln                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | F. Filter                                                                                                                                | 150                                                                                                                     |
| 350016     | International Paper at Pine Bluff | 1. Wood Waste Boiler<br>2. No. 2 Recovery Boiler<br>3. No. 3 Recovery Boiler<br>4. No. 4 Recovery Boiler<br>5. No. 4 Recovery Boiler<br>6. No. 2 Smelt<br>7. No. 3 Smelt<br>8. No. 4 Smelt<br>9. No. 1 Lime Kiln<br>10. No. 2 Lime Kiln<br>11. No. 1 Slaker Vent<br>12. No. 2 Slaker Vent<br>13. No. 1 Power Boiler<br>14. No. 1 Power Boiler<br>15. No. 2 Power Boiler<br>16. No. 2 Power Boiler<br>17. Keeler Package Boiler<br>18. C.E. Package Boiler<br>19. Wickes Package No. 1<br>20. Wickes Package No. 2 | Cyclone<br>ESP<br>ESP<br>ESP<br>ESP<br>Mist E.<br>Mist E.<br>Mist E.<br>Scrubber<br>Scrubber<br>Cyclone<br>Cyclone<br>Cyclone<br>Cyclone | 500<br>80<br>80<br>225<br>225<br>30<br>30<br>55<br>45<br>45<br>40<br>40<br>65<br>65<br>65<br>65<br>15<br>10<br>10<br>10 |
| 350017     | Meyerhaeuser at Pine Bluff        | 1. Lime Kiln<br>2. Recovery Furnace<br>3. Slaker Vent<br>4. Dissolving Tank                                                                                                                                                                                                                                                                                                                                                                                                                                       | Scrubber<br>ESP                                                                                                                          | 40<br>800<br>20<br>35                                                                                                   |

| <u>CSN</u> | <u>Name</u>                         | <u>Process Equipment</u>                                                                                                                                                                                                                                                                                                                                                                                                     | <u>PCD</u>                                                                                                            | <u>Allowable<br/>Emission<br/>(lb/hr)</u>                                                         |
|------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| *430002    | Arkansas Lightweight<br>at England  | 1. 125 Ft. Kiln<br>2. 150 Ft. Kiln                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                       | 140<br>140                                                                                        |
| 600001     | Stauffer Chemical<br>at Little Rock | 1. Bauxite Kiln<br>2. Clay Kiln                                                                                                                                                                                                                                                                                                                                                                                              | Cyclone<br>Cyclone                                                                                                    | 97<br>85                                                                                          |
| 600004     | Porocel Chemical<br>at Little Rock  | 1. Dryer<br>2. Mill<br>3. Calcinator #1<br>4. Calcinator #2                                                                                                                                                                                                                                                                                                                                                                  | Scrubber<br>Scrubber<br>Scrubber<br>Scrubber                                                                          | 95<br>13<br>32<br>32                                                                              |
| 600005     | A. P. Green<br>at Little Rock       | 1. Kiln                                                                                                                                                                                                                                                                                                                                                                                                                      | F. Filter                                                                                                             | 130                                                                                               |
| 630005     | Reynolds Aluminum<br>at Bauxite     | (Bldg. 50)<br>1. Calcining rotary kiln<br>2. Calcining rotary kiln<br>3. Calcining rotary kiln<br>4. Calcining rotary kiln<br>5. Calcining rotary kiln<br>6. Calcining rotary kiln<br>7. Calcining rotary kiln<br>8. Calcining rotary kiln<br>9. Calcining rotary kiln<br><br>(Bldg. 225)<br>10. Sinter kiln<br>11. Sinter kiln<br>12. Sinter kiln<br>13. Sinter kiln<br>14. Sinter kiln<br>15. Sinter kiln<br>16. Lime kiln | ESP<br>ESP<br>ESP<br>ESP<br>ESP<br>ESP<br>ESP<br>ESP<br>ESP<br><br>ESP<br>ESP<br>ESP<br>ESP<br>ESP<br>ESP<br>Scrubber | 60<br>60<br>60<br>60<br>60<br>60<br>60<br>60<br>60<br><br>60<br>60<br>60<br>60<br>60<br>60<br>120 |

\* The requirements of subsection (d) of this section shall not be in effect until February 1, 1976

| <u>CSN</u> | <u>Name</u>         | <u>Process Equipment</u>                                                                    | <u>PDC</u>                                | <u>Annual<br/>Equipment<br/>Utilization<br/>(Percent)</u> | <u>Allowable<br/>Emission<br/>(lb/hr)</u> |
|------------|---------------------|---------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------------------------------------|-------------------------------------------|
| 630010     | Alcoa<br>at Bauxite | (Bldg. 50)<br>1. No. 1 kiln<br>2. No. 2 kiln<br>3. No. 3 kiln<br>4. Calciner<br>5. Fugitive | ESP<br>ESP<br>ESP<br>ESP<br>10 F. Filters | 77<br>77<br>77<br>77<br>100                               | 30<br>30<br>30<br>55<br>12                |
|            |                     | (Bldg. 51)<br>6. Fugitive                                                                   | 1 F. Filter                               | 100                                                       | 1.2                                       |
|            |                     | (Bldg. 55)<br>7. Fugitive                                                                   | 3 F. Filters                              | 100                                                       | 1.5                                       |
|            |                     | (Bldg. 60)<br>8. No. 1 kiln<br>9. No. 2 kiln<br>10. Fugitive                                | Cyclone<br>ESP<br>8 F. Filters            | 50<br>80<br>100                                           | 35<br>20<br>4.5                           |
|            |                     | (Bldg. 70)<br>11. Fugitive                                                                  | 1 Scrubber<br>5 F. Filters                | 100                                                       | 3                                         |
|            |                     | (Bldg. 104)<br>12. Kiln                                                                     | Rotoclone                                 | 75                                                        | 80                                        |
|            |                     | (Bldg. 106)<br>13. Fugitive<br>Fugitive                                                     | F. Filter<br>F. Filter                    | 100<br>100                                                | 4<br>1.2                                  |
|            |                     | (Bldg. 110)<br>14. Boiler<br>15. Boiler<br>16. Boiler<br>17. Boiler                         |                                           | 100<br>100<br>100<br>100                                  | 10<br>10<br>10<br>14                      |

| <u>CSN</u> | <u>Name</u>                    | <u>Process Equipment</u> | <u>PCD</u>    | <u>Annual<br/>Equipment<br/>Utilization<br/>(Percent)</u> | <u>Allowable<br/>Emission<br/>(lb/hr)</u> |
|------------|--------------------------------|--------------------------|---------------|-----------------------------------------------------------|-------------------------------------------|
| 630010     | Alcoa<br>at Bauxite<br>(cont.) | (Bldg. 225)              |               |                                                           |                                           |
|            |                                | 18. No. 1 kiln           | ESP           | 80                                                        | 100                                       |
|            |                                | 19. No. 2 kiln           | ESP           | 80                                                        | 25                                        |
|            |                                | 20. No. 3 kiln           | ESP           | 80                                                        | 25                                        |
|            |                                | 21. No. 4 kiln           | ESP           | 80                                                        | 25                                        |
|            |                                | 22. No. 5 kiln           | ESP           | 80                                                        | 25                                        |
|            |                                | 23. No. 6 kiln           | ESP           | 80                                                        | 25                                        |
|            |                                | 24. No. 7 kiln           | ESP           | 80                                                        | 25                                        |
|            |                                | 25. No. 1 cooler         | Multiclone    | 85                                                        | 75                                        |
|            |                                | 26. No. 7 cooler         | Multiclone    | 85                                                        | 135                                       |
|            |                                | (Bldg. 400)              |               |                                                           |                                           |
|            |                                | 27. Process              | Cyclone       | 75                                                        | 50                                        |
|            |                                | 28. Process              | Cyclone       | 75                                                        | 50                                        |
|            |                                | 29. Process              | Cyclone       | 75                                                        | 50                                        |
|            |                                | 30. Process              | 8 F. Filters  | 100                                                       | 12                                        |
|            |                                | (Bldg. 405)              |               |                                                           |                                           |
|            |                                | 31. No. 1 kiln           | Multiclone    | 85                                                        | 75                                        |
|            |                                | 32. No. 2 kiln           | ESP           | 85                                                        | 35                                        |
|            |                                | (Bldg. 410)              |               |                                                           |                                           |
|            |                                | 33. Fugitive             | 5 F. Filters  | 100                                                       | 12.5                                      |
|            |                                | (Bldg. 415)              |               |                                                           |                                           |
|            |                                | 34. Fugitive             | 8 F. Filters  | 100                                                       | 24                                        |
|            |                                | (Bldg. 420)              |               |                                                           |                                           |
|            |                                | 35. Fugitive             | 12 F. Filters | 100                                                       | 30                                        |
|            |                                | (Bldg. 425)              |               |                                                           |                                           |
|            |                                | 36. Converter No. 1      |               | 85                                                        | 1                                         |
|            |                                | 37. Converter No. 2      |               | 85                                                        | 1                                         |
|            |                                | 38. Converter No. 3      |               | 85                                                        | 1                                         |

| <u>CSN</u> | <u>Name</u>                    | <u>Process Equipment</u> | <u>PCD</u>   | <u>Annual<br/>Equipment<br/>Utilization<br/>(Percent)</u> | <u>Allowable<br/>Emission<br/>(lb/hr)</u> |
|------------|--------------------------------|--------------------------|--------------|-----------------------------------------------------------|-------------------------------------------|
| 630010     | Alcoa<br>at Bauxite<br>(cont.) | 39. Converter No. 4      |              | 85                                                        | 1                                         |
|            |                                | 40. Converter No. 5      |              | 85                                                        | 1                                         |
|            |                                | 41. Converter No. 6      |              | 85                                                        | 1                                         |
|            |                                | 42. Converter No. 7      |              | 85                                                        | 1                                         |
|            |                                | 43. Converter No. 8      |              | 85                                                        | 1                                         |
|            |                                | 44. Converter No. 9      |              | 85                                                        | 1                                         |
|            |                                | 45. Dryer No. 1          |              | 85                                                        | 5                                         |
|            |                                | 46. Dryer No. 2          |              | 85                                                        | 5                                         |
|            |                                | 47. Dryer No. 3          |              | 85                                                        | 5                                         |
|            |                                | 48. Dryer No. 4          |              | 85                                                        | 5                                         |
|            |                                | 49. Dryer No. 5          |              | 85                                                        | 5                                         |
|            |                                | 50. Dryer No. 6          |              | 85                                                        | 5                                         |
|            |                                | 51. Dryer No. 7          |              | 85                                                        | 5                                         |
|            |                                | 52. Dryer No. 8          |              | 85                                                        | 5                                         |
|            |                                | 53. Dryer No. 9          |              | 85                                                        | 5                                         |
|            |                                | 54. Cooler No. 1         |              | 85                                                        | 5                                         |
|            |                                | 55. Cooler No. 2         |              | 85                                                        | 5                                         |
|            |                                | 56. Cooler No. 3         |              | 85                                                        | 5                                         |
|            |                                | 57. Cooler No. 4         |              | 85                                                        | 5                                         |
|            |                                | 58. Cooler No. 5         |              | 85                                                        | 5                                         |
|            |                                | 59. Cooler No. 6         |              | 85                                                        | 5                                         |
|            |                                | 60. Cooler No. 7         |              | 85                                                        | 5                                         |
|            |                                | 61. Cooler No. 8         |              | 85                                                        | 5                                         |
|            |                                | 62. Cooler No. 9         |              | 85                                                        | 5                                         |
|            |                                | 63. Fugitive             | 6 F. Filters | 100                                                       | 30                                        |
|            |                                | (Bldg. 526)              |              |                                                           |                                           |
|            |                                | 64. Converter No. 1      |              | 85                                                        | 1                                         |
|            |                                | 65. Converter No. 2      |              | 85                                                        | 1                                         |
|            |                                | 66. Converter No. 3      |              | 85                                                        | 1                                         |
|            |                                | 67. Converter No. 4      |              | 85                                                        | 1                                         |
|            |                                | 68. Dryer No. 1          |              | 85                                                        | 5                                         |
|            |                                | 69. Dryer No. 2          |              | 85                                                        | 5                                         |
|            |                                | 70. Dryer No. 3          |              | 85                                                        | 5                                         |
|            |                                | 71. Dryer No. 4          |              | 85                                                        | 5                                         |

| <u>CSN</u> | <u>Name</u>                    | <u>Process Equipment</u>                                                                                          | <u>PCD</u>                                                | <u>Annual<br/>Equipment<br/>Utilization<br/>(Percent)</u> | <u>Allowable<br/>Emission<br/>(lb/hr)</u> |
|------------|--------------------------------|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------|-------------------------------------------|
| 630010     | Alcoa<br>at Bauxite<br>(cont.) | (Bldg. 426 Cont.)<br>72. Cooler No. 1<br>73. Cooler No. 2<br>74. Cooler No. 3<br>75. Cooler No. 4<br>76. Fugitive |                                                           | 85<br>85<br>85<br>85<br>100                               | 5<br>5<br>5<br>5<br>6                     |
|            |                                | (Bldg. 451)<br>77. Fugitive<br>78. Fugitive                                                                       | 8 F. Filters<br><br>7 F. Filters<br>Hydral Spray<br>Tower | 100<br><br>85                                             | 10.5<br><br>2.0                           |

Except for the equipment identified as being served by fabric filters, the limitations of this subsection and Subsection (d) of this section shall not be in effect until June 1, 1977 for the equipment located in Buildings 425 and 426 provided the following conditions are fully met.

- (A) The following increments of progress are met and promptly reported as such increments relate to the installation of equipment which will enable attainment of the limitations of this subsection:

| <u>ACTION</u>                                                                                                                                                                                                                               | <u>DATE</u>     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| (1) Date of submittal of the source's final control plan to the Department of Pollution Control and Ecology;                                                                                                                                | March 1, 1975   |
| (2) Date by which contracts for emission control systems or process modifications will be awarded; or date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;       | July 1, 1975    |
| (3) Date of initiation of on-site construction or installation of emission control equipment or process change;                                                                                                                             | October 1, 1975 |
| (4) Date by which on-site construction or installation of emission control equipment or process modification is to be completed;                                                                                                            | January 1, 1977 |
| (5) Commencement date or operation of with emission control system in place and functioning; and                                                                                                                                            | March 1, 1977   |
| (6) Date by which full and final compliance is achieved, which compliance is recognized by the filing of a certificate of compliance with the Department and which certificate is based upon a sampling program approved by the Commission. | June 1, 1977    |

- (B) The equipment utilization, on annual average, does not exceed the percent utilization given for each piece of equipment as described above under CSN 630010. For purposes of this regulation, annual equipment

utilization for similar pieces of equipment serving parallel processes located in the same building and having identical allowable emission rates, may be determined by computing an equivalent annual average. An equivalent annual average is computed by summing the number of hours which each of (N) similar pieces of equipment is operated during a year and dividing that sum by the product of (N) and 8,760 hours. The owner or operator of the equipment affected by this requirement shall maintain such records as may be necessary to assure the Director that the equipment utilization rates as provided above are not exceeded.

- (C) The requirements of Subsection (B) above shall be rescinded upon full attainment of the emission limitations provided above for the equipment in Buildings 425 and 426.

| <u>CSN</u> | <u>Name</u>                                       | <u>Process Equipment</u>                                                                                                                                   | <u>PCD</u>                                                           | <u>Allowable Emission (lb/hr)</u>                      |
|------------|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------|
| 630011     | American Cyanamid at Bryant                       | 1. Rotary kiln                                                                                                                                             | Baghouse                                                             | 50                                                     |
| 630012     | Milwhite Company at Bryant                        | 1. 30 Ft. kiln<br>2. 40 Ft. kiln<br>3. Product Bin Vent<br>4. #1 & #2 Mills                                                                                | F. Filter<br>F. Filter<br>F. Filter<br>F. Filter                     | 23<br>32<br>26<br>50                                   |
| 600409     | Little Rock Sewage Treatment Plant at Little Rock | 1. Incinerator                                                                                                                                             | Scrubber                                                             | 30                                                     |
| 600003     | Minnesota Mining and Manufacturing at Little Rock | 1. Dryer<br>2. Crusher<br>3. Rotary kiln - No. 1<br>4. Rotary kiln - No. 2 & 3<br>5. Preheater<br>6. Mixers<br>7. Coolers<br>8. Clay Tank<br>9. Filler Bin | ESP<br>F. Filter<br>Cyclone<br><br>ESP<br><br>F. Filter<br>F. Filter | 50<br>50<br>25<br>200<br>150<br>100<br>100<br>10<br>10 |
| 300019     | (a) Reynolds Aluminum at Jones Mill               | 1. Furnace Buildings 58 & 60<br>2. Furnace Building 50<br>3. Fugitive dust system for Green Mill<br>4. Electro-Melt Furnace                                | Stack<br>Stack<br><br>ESP<br>F. Filter                               | 70<br>35<br><br>134<br>3                               |

(b) Visible emissions in excess of the limitations of these Regulations of the Plan may be permitted from the stacks serving Buildings 50, 58 and 60 during those periods in which the fires in the furnace are being moved, provided that such excessive emissions do not occur more than one hour, in the aggregate, per day from each of the two stacks and provided, further, that the maximum allowable emission rate in lbs/hr for each stack is not exceeded.

Allowable  
Emission  
(lb/hr)

PCD

Process Equipment

Name

CSN

(c) Fugitive emissions from the pot rooms to the open air shall not exceed 0.06 grains/standard cubic foot measured in the roof monitor at the approximate mid-point of the pot line.

(a) Reynolds Aluminum at Gum Springs 1. Pot Line 4 parallel scrubbers served by 4 stacks 75/stack

(b) Fugitive emissions from the pot rooms to the open air shall not exceed 0.06 grains/standard cubic foot measured in the roof monitor at the approximate mid-point of the pot line.

REGION 17

|        |                            |                                          |                                          |                |
|--------|----------------------------|------------------------------------------|------------------------------------------|----------------|
| 660028 | Fourco Glass at Fort Smith | 1. Unloading<br>2. Furnace<br>3. Furnace | F. Filter                                | 60<br>38<br>30 |
| 660081 | Acme Brick at Fort Smith   | 1. Grinding<br>2. Screening              | Enclosed operation<br>Enclosed operation | 115<br>80      |
| 720068 | Moore Drop Forging         | 1. Grinding                              | Cyclone                                  | 160            |

REGION 18

|         |                                                |                            |                 |           |
|---------|------------------------------------------------|----------------------------|-----------------|-----------|
| 180084  | Temple Gypsum at West Memphis                  | 1. Dryer                   | ESP & F. Filter | 120       |
| *180082 | Arkansas Lightweight Aggregate at West Memphis | 1. Old kiln<br>2. New kiln | Scrubber        | 140<br>40 |

\* The requirements of subsection (d) of this section shall not be in effect until July 1, 1976

| <u>CSN</u> | <u>Name</u>                       | <u>Process Equipment</u>                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>PCD</u>                                                                                                                                                | <u>Allowable Emission (lb/hr)</u>                                                                                                                               |
|------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| *180010    | Mid-South Foundry at West Memphis | 1. Cupola                                                                                                                                                                                                                                                                                                                                                                                                                                                           | F. Filter                                                                                                                                                 | 40                                                                                                                                                              |
| 020013     | Georgia-Pacific at Crossett       | 1. No. 2 Lime kiln<br>2. No. 3 Lime kiln<br>3. No. 7 Recovery<br>4. No. 7 Recovery<br>5. No. 7 Recovery<br>6. No. 7 Recovery<br>7. No. 7 Smelt<br>8. No. 7 Smelt<br>9. No. 6 Recovery<br>10. No. 6 Recovery<br>11. No. 6 Smelt<br>12. No. 5 Recovery<br>13. No. 5 Smelt<br>14. No. 1A Boiler<br>15. No. 2A Boiler<br>16. No. 3A Boiler<br>17. No. 4A Boiler<br>18. 5A Boiler<br>19. 6A Boiler<br>20. 7A Boiler<br>21. 8A Boiler<br>22. 9A Boiler<br>23. Lime Slaker | Scrubber<br>Scrubber<br>ESP<br>ESP<br>ESP<br>ESP<br>Scrubber<br>Scrubber<br>ESP<br>ESP<br>ESP<br>ESP<br>ESP<br>Cyclone<br>Cyclone<br>Scrubber<br>Scrubber | 57.5<br>57.5<br>147.5<br>147.5<br>147.5<br>147.5<br>21.5<br>21.5<br>375<br>375<br>20<br>225<br>35<br>15<br>15<br>15<br>15<br>20<br>160<br>15<br>15<br>360<br>40 |
| 520013     | International Paper at Camden     | 1. W.W. Boiler<br>2. Slaker Vent                                                                                                                                                                                                                                                                                                                                                                                                                                    | Scrubber                                                                                                                                                  | 350<br>20                                                                                                                                                       |

\*The requirement of subsection (d) of this section shall not be in effect until January 1, 1976

| <u>CSN</u> | <u>Name</u>                           | <u>Process Equipment</u>                                                                                                                                                                                            | <u>PCD</u>                                                        | <u>Allowable Emission (lb/hr)</u>                    |
|------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------|
| 520013     | International Paper at Camden (cont.) | 3. Lime kiln<br>4. No. 1 Recovery Boiler<br>5. No. 1 Recovery Boiler<br>6. No. 2 & 3 Recovery<br>7. No. 1 Dis. Tank<br>8. No. 2 Dis. Tank<br>9. No. 3 Dis. Tank<br>10. No. 1 Power Boiler<br>11. No. 2 Power Boiler | Scrubber<br>ESP<br>ESP<br>ESP<br>Scrubber<br>Scrubber<br>Scrubber | 70<br>100<br>100<br>70<br>25<br>40<br>60<br>60<br>60 |
| 700014     | Cities Service Co. at El Dorado       | 1. Unit A<br>2. Unit B<br>3. Unit C<br>4. Scrubber A<br>5. Scrubber B                                                                                                                                               | F. Filter<br>F. Filter<br>F. Filter                               | 20<br>20<br>20<br>20<br>20                           |
| 700016     | Lion Oil Company                      | 1. No. 3 Cracker<br>2. No. 7 Cracker<br>3. Low P. Boiler<br>4. Low P. Boiler<br>5. Low P. Boiler<br>6. High P. Boiler<br>7. High P. Boiler<br>8. High P. Boiler                                                     | ESP<br>ESP                                                        | 200<br>200<br>14<br>14<br>14<br>18<br>18<br>18       |
| 700038     | J. & M. Poultry at El Dorado          | 1. Feed Mill                                                                                                                                                                                                        | Cyclone                                                           | 32                                                   |
| 700040     | Monsanto                              | 1. H <sub>2</sub> SO <sub>4</sub> Conc.<br>2. East AN Neut.<br>3. West AN Neut.<br>4. AN Low Conc.<br>5. AN Prilling Tower<br>6. AN Prilling Tower<br>7. SA Absorption                                              | Scrubber<br>Mist. E.<br>Mist. E.<br>Mist. E.<br>Scrubber<br>Fan   | 9<br>27<br>27<br>10<br>8<br>67<br>35                 |

| <u>CSN</u> | <u>Name</u>                       | <u>Process Equipment</u>                                                                                                                                                                                                                                                                                                                                            | <u>PCD</u>                                                           | <u>Allowable<br/>Emission<br/>(lb/hr)</u>                                                  |
|------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| 520007     | Celotex Corporation<br>at Camden  | 1. Multiple sources<br>2. Asphalt saturator<br>3. Asphalt saturator<br>4. Baghouse                                                                                                                                                                                                                                                                                  | Cyclone                                                              | 25<br>33<br>17<br>4                                                                        |
| REGION 20  |                                   |                                                                                                                                                                                                                                                                                                                                                                     |                                                                      |                                                                                            |
| 380019     | Frit Industries<br>(Gulf Oil Co.) | 1. Thermal Oxidizer<br>2. Granulation Plant<br>3. Granulation Plant<br>4. Granulation Plant                                                                                                                                                                                                                                                                         | Scrubber<br>Cyclone #1<br>Cyclone #2<br>Granulation Exhaust<br>Stack | 3<br>11<br>3<br>6                                                                          |
| 470012     | Agrico Chemical<br>at Blytheville | 1. A. Granulator<br>2. B. Granulator<br>3. C. Granulator                                                                                                                                                                                                                                                                                                            | Scrubber<br>Scrubber<br>Scrubber                                     | 190<br>190<br>190                                                                          |
| 540003     | Gardiner Big River<br>at Helena   | 1. AN Prilling Tower<br>2. AN Prilling Tower<br>3. AN Prilling Tower<br>4. AN Prilling Tower<br>5. AN Conc. Vent<br>6. AN Predryer Vent<br>7. AN Dryer Vent<br>8. AN Cooler Vent<br>9. AN Prill Coaring<br>10. AN Product Bagging<br>11. Ammonium Phos. Fume<br>12. Ammonium Phos. Dust<br>13. Ammonium Phos. Neut.<br>14. Boiler A<br>15. Boiler B<br>16. Boiler C | Scrubber<br>Scrubber                                                 | 20<br>20<br>20<br>20<br>20<br>40<br>40<br>40<br>9<br>20<br>30<br>278<br>5<br>20<br>5<br>20 |

| <u>CSN</u> | <u>Name</u>                          | <u>Process Equipment</u>                                                                                                                                                                                                                                                                                                                                                                                  | <u>PCD</u>                                    | <u>Allowable Emission (lb/hr)</u>                                           |
|------------|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------------|
| 540003     | Gardiner Big River at Helena (cont.) | 17. Ammonia Reformer Boiler<br>18. Bulk Product Loading<br>19. No. 1 Phosphate Grinder<br>20. No. 2 Phosphate Grinder<br>21. Phosp. Acid Fume Scrubber<br>22. Urea Plant Cooling Vent<br>23. Urea Plant Drying System<br>24. Urea Prilling Tower Fan<br>25. Urea Prilling Tower Fan<br>26. Urea Prilling Tower Fan<br>27. Urea Prilling Tower Fan<br>28. Urea Surge Tank Vent<br>29. Sulphuric Acid Plant |                                               | 10<br>20<br>18<br>12<br>5<br>50<br>30<br>25<br>25<br>25<br>25<br>10<br>42.5 |
| 540004     | Mohawk Rubber at Helena              | 1. Mixing<br>2. Boiler                                                                                                                                                                                                                                                                                                                                                                                    | F. Filter                                     | 27<br>1                                                                     |
| 330002     | Silica Products at Guion             | REGION 21<br>1. Dryer<br>2. Kiln                                                                                                                                                                                                                                                                                                                                                                          | Cyclone<br>F. Filter                          | 32<br>72                                                                    |
| 310005     | Ideal Cement at Okay                 | REGION 22<br>1. No. 1 Kiln<br>2. No. 2 Kiln<br>3. No. 1 Cooler<br>4. No. 2 Cooler<br>5. Dryer                                                                                                                                                                                                                                                                                                             | ESP<br>ESP<br>Cyclone<br>Cyclone<br>F. Filter | 70<br>70<br>50<br>50<br>20                                                  |

Allowable  
Emission  
(lb/hr)

| CSN    | Name                                      | Process Equipment                                                                                                                                                                                                                                                                                                                                                                       | PCD                                                                                                                                                           | Allowable<br>Emission<br>(lb/hr)                                                      |
|--------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 310010 | Meyerhaeuser Gypsum<br>Wallboard at Briar | <ol style="list-style-type: none"> <li>Flash Drying Roller #1</li> <li>Flash Drying Roller #2</li> <li>Flash Drying Roller #3</li> <li>Flash Drying Roller #4</li> <li>Kettle #1</li> <li>Kettle #2</li> <li>Kettle #3</li> <li>Kettle #4</li> <li>Kettle #5</li> <li>Kettle #6</li> <li>Six Hot Pits<br/>(Storage Bins)</li> <li>Rotary Dryer</li> <li>Bundler End Saws (4)</li> </ol> | Cyclone<br>Cyclone<br>Cyclone<br>Cyclone<br>Cyclone<br>Cyclone<br>Cyclone<br>Cyclone<br>Cyclone<br>Cyclone<br>2 Cyclones,<br>Baghouse<br>Scrubber<br>Scrubber | 86<br>86<br>86<br>86<br>267<br>267<br>267<br>267<br>267<br>267<br>267<br>81<br>5<br>1 |
| 410001 | Arkansas Cement<br>at Foreman             | <ol style="list-style-type: none"> <li>No. 1 Kiln</li> <li>No. 2 Kiln</li> <li>No. 3 Kiln</li> <li>No. 1 Cooler</li> <li>No. 2 Cooler</li> <li>No. 3 Cooler</li> </ol>                                                                                                                                                                                                                  | ESP<br>ESP<br>ESP                                                                                                                                             | 67<br>63<br>170<br>132<br>157<br>186                                                  |
| 410002 | Nekoosa-Edwards<br>at Ashdown             | <ol style="list-style-type: none"> <li>Recovery Furnace</li> <li>Smelt Tank</li> <li>Power Boiler</li> <li>Lime Kiln</li> <li>New Power Boiler</li> </ol>                                                                                                                                                                                                                               | ESP<br>Scrubber<br>Cyclone<br>Scrubber<br>Scrubber                                                                                                            | 575<br>154<br>342<br>107<br>75                                                        |
| 350110 | Arkansas Power &<br>Light at White Bluff  | PLANTS UNDER CONSTRUCTION<br><ol style="list-style-type: none"> <li>Coal fired Boiler #1</li> <li>Coal fired Boiler #2</li> </ol>                                                                                                                                                                                                                                                       | ESP<br>ESP<br>(Common stack)                                                                                                                                  | 1,667                                                                                 |

PLANTS UNDER CONSTRUCTION

| <u>CSN</u> | <u>Name</u>                                  | <u>Process Equipment</u>                                                                        | <u>PCD</u>                              | <u>Allowable<br/>Emission<br/>(lb/hr)</u> |
|------------|----------------------------------------------|-------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------|
| 040107     | Southwestern Electric<br>Power Co. at Gentry | 1. Coal fired Boiler                                                                            | ESP                                     | 516                                       |
| 210036     | Potlatch Corporation<br>at McGehee           | 1. Recovery Boiler<br>2. Lime Kiln<br>3. Smelt Tank<br>4. Power Boiler<br>5. Sludge Incinerator | ESP<br>Scrubber<br>Scrubber<br>Scrubber | 230<br>40<br>20<br>60<br>25               |
| 320036     | Arkansas Eastman Co.<br>at Batesville        | 1. Coal fired Boiler #1<br>2. Coal fired Boiler #2<br>3. Coal fired Boiler #3                   | ESP<br>ESP<br>ESP<br>(Common stack)     | 165                                       |

(ii) Stone Quarrying and Crushing Operations

- (A) The requirements of this subsection shall apply to limestone and crushing operations having a primary crushing capacity of 300 tons per hour and to all other stone quarrying and crushing operations having a primary crushing capacity of 500 tons per hour.
- (B) Prior to September 1, 1975, owners and operators of quarrying and crushing operations affected by the provisions of this subsection shall notify the Department in writing as to the location of said quarrying and crushing operations and shall describe the nature of the operation, the capacity of the equipment used at said location, and the nature and estimated efficiency of air pollution control techniques employed at said location.
- (C) No person shall cause or permit the operation of a quarrying and crushing operation affected by the provisions of this subsection in a manner which would allow excessive and unnecessary amounts of particulate matter to become airborne. For purposes of this requirement, wet sprays on the inlets and outlets of crushers, or equivalent controls, shall be considered minimal controls necessary to prevent unnecessary amounts of particulate matter from becoming airborne. No quarrying or crushing facility shall be permitted to operate in a manner which would cause visible emissions to extend beyond the property line of the affected facility or which would interfere with the attainment and maintenance of the National Ambient Air Quality Standards.

(iii) Rice and Soybean Processing Facilities

- (A) The requirements of this section shall apply to facilities known as rice mills and soybean processing plants. It is not intended that these regulations apply to facilities designed for the drying and storage of rough rice or soybeans.
- (B) No person shall cause or permit the operation of facilities affected by the provisions of this subsection in a manner which would allow the emission of particulate matter from said facilities to exceed 1.5 pounds for each ton of rice or soybeans processed.

(iv) Asphalt (Mix) Concrete Plants

- (A) No person shall cause or permit the operation of an asphalt concrete plant, constructed or modified after

June 11, 1973, to exceed the Standards of Performance for New Stationary Sources (40 CFR 60.90) as promulgated by the United States Environmental Protection Agency.

- (B) After June 1, 1976, no person shall cause or permit the operation of an asphalt concrete plant, constructed or modified prior to June 11, 1973, except as specified herein. Prior to commencement of operation at any location, the owner or operator shall notify the Director in writing of the location of the asphalt concrete plant, stating the capacity of the plant, the control equipment to be used and the expected rate of emissions. Upon receipt of such notification, the Director may authorize the operation as proposed by said owner or operator or may require, where the plant is proposed to be operated in areas of high population density or areas in which the National Ambient Air Quality Standards are threatened, more stringent controls than proposed by said owner or operator. In no case, however, shall the Director approve or authorize the operation of an asphalt plant from which the emissions exceed 100 lbs./hr. or 1000 lbs./day.
- (C) Routine maintenance, repair and replacement, relocation of a portable plant, change of aggregate, and transfer of ownerships are not considered modifications which would require a plant which was constructed prior to June 11, 1973 to comply with the provisions of subsection (A) of this subsection.
- (D) Portable asphalt concrete plants which relocate after June 30, 1975 shall, upon said relocation, comply fully with the provisions of subsection (B) of this subsection.
- (E) Except as provided by the provision of subsection (B) of this subsection, portable asphalt concrete plants which were constructed or modified prior to June 11, 1973 shall not be affected by the visible emission limitations of the Regulations of the Plan.

(2.0) SECTION 9. SEVERABILITY

If any provision of the Regulations of the Plan or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Regulations of the Plan which can be given effect without the invalid provision or application, and to this end the provisions of the Regulations of the Plan are declared to be severable.

(2.0) SECTION 10. EFFECTIVE DATE

These Regulations of the Plan shall be in full force and effect as of June 30, 1975.

FEDERALLY PROMULGATED  
REGULATIONS

(b) Regulation for Review of New or Modified Indirect Sources

(i) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

- (i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:
  - (a) Highways and roads.
  - (b) Parking facilities.
  - (c) Retail, commercial and industrial facilities.
  - (d) Recreation, amusement, sports and entertainment facilities.
  - (e) Airports.
  - (f) Office and Government buildings.
  - (g) Apartment and condominium buildings.
  - (h) Education facilities.
- (ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.
- (iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.
- (iv) The term "aircraft operation" means an aircraft take-off or landing.
- (v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

- (vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.
  - (vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).
  - (viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.
  - (ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.
- (2) The requirements of this paragraph are applicable to the following:
- (i) In an SMSA:
    - (a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or
    - (b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or
    - (c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or
    - (d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.
  - (ii) Outside an SMSA:
    - (a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

- (b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.
  - (iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:
    - (a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.
    - (b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.
  - (iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.
- (3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:
- (i) For all indirect sources subject to this paragraph, other than highway projects:
    - (a) The name and address of the applicant.
    - (b) A map showing the location of the site of indirect source and the topography of the area.
    - (c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

- (d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.
  - (e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.
  - (f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.
  - (g) Availability of existing and projected mass transit to service the site.
  - (h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.
  - (i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.
- (ii) For airports:
- (a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.
  - (b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.
  - (c) Expected passenger loadings at the airport.
  - (d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

- (iii) For highway projects:
  - (a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.
  - (b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.
  - (c) A map showing the location of the highway project, including the location of buildings along the right-of-way.
  - (d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.
  - (e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.
- (iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.
- (4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:
  - (a) Cause a violation of the control strategy of any applicable state implementation plan; or
  - (b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.
- (ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines

published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

- (5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.
- (ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.
- (6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:
  - (a) Cause a violation of the control strategy of any applicable state implementation plan; or
  - (b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.
- (ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.
- (iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000

or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

- (7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.
- (8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.
- (ii) Within 30 days after receipt of a complete application, the Administrator shall:
  - (a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.
  - (b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and
  - (c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.
- (iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional

land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

- (iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.
- (v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.
- (vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.
- (9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:
  - (a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;
  - (b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

- (c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.
  - (ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.
- (10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.
  - (11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.
  - (12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.
  - (13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

- (14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:
- (i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.
  - (ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.
  - (iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.
- (15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.
- (16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(14.0) 52.178 Regulation for Public Availability of Emission Data

(b) Regulation for public availability of emission data.

- (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.
- (2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1-June 30 and July 1-December 31.
- (3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.
- (4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

(17.0) 52.181 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

- (1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.
- (2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.
- (3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.
- (4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.
- (5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.
- (6) "Construction" means fabrication, erection or installation of a stationary source.
- (7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

- (1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

- (2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

| Area Designations            |                                 |                                  |
|------------------------------|---------------------------------|----------------------------------|
| Pollutant                    | Class I<br>(ug/m <sup>3</sup> ) | Class II<br>(ug/m <sup>3</sup> ) |
| Particulate matter:          |                                 |                                  |
| Annual geometric mean .....  | 5                               | 10                               |
| 24-hr maximum .....          | 10                              | 30                               |
| Sulfur dioxide:              |                                 |                                  |
| Annual arithmetic mean ..... | 2                               | 15                               |
| 24-hr maximum .....          | 5                               | 100                              |
| 3-hr maximum .....           | 25                              | 700                              |

- (ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.
- (iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.
- (3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.
- (ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:
- At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and
  - Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

- (c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and
  - (d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.
  - (e) The redesignation is proposed after consultation with the elected leadership of local and other sub-state general purpose governments in the area covered by the proposed redesignation.
- (iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:
- (a) The redesignation is consistent with adjacent State and privately owned land, and
  - (b) Such redesignation is proposed after consultation with the Federal Land Manager.
- (iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:
- (a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,
  - (b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.
- (v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

- (a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,
  - (b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.
- (vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:
- (a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.
  - (b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.
  - (c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

- (d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.
- (e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.
- (f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.
- (vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may re-submit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

- (1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

- (i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.
  - (ii) Coal Cleaning Plants.
  - (iii) Kraft Pulp Mills.
  - (iv) Portland Cement Plants.
  - (v) Primary Zinc Smelters.
  - (vi) Iron and Steel Mills.
  - (vii) Primary Aluminum Ore Reduction Plants.
  - (viii) Primary Copper Smelters.
  - (ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.
  - (x) Sulfuric Acid Plants.
  - (xi) Petroleum Refineries.
  - (xii) Lime Plants.
  - (xiii) Phosphate Rock Processing Plants.
  - (xiv) By-Product Coke Oven Batteries.
  - (xv) Sulfur Recovery Plants.
  - (xvi) Carbon Black Plants (furnace process).
  - (xvii) Primary Lead Smelters.
  - (xviii) Fuel Conversion Plants.
  - (xix) Ferroalloy production facilities commencing construction after October 5, 1975.
- (2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

- (i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (iii) of this section which has occurred since January 1, 1975.
  - (ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.
  - (iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.
- (3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

- (4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.
  - (ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.
  - (iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.
- (5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

- (1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.
- (ii) Within 30 days after receipt of a complete application, the Administrator shall:

- (a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.
  - (b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and
  - (c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.
- (iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.
  - (iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.
  - (v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

- (vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.
- (2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.
- (3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.
- (4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.
- (f) Delegation of authority
  - (1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.
  - (2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:
    - (i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.
    - (ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

- (3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.
- (4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be re-delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 1975; 40 FR 42012, Sept. 10, 1975)